

REMARKS

This is in response to the Office Action mailed May 29, 2009. In the Office Action, Applicant's Claims 1-11 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter, Applicant's Claims 1-5, 7, 14, 15 and 21 were rejected under 35 U.S.C. §103 as being obvious over the combination of U.S. Pat. No. 6,112,174 ("Wakisaka"), U.S. Pat. No. 6,718,304 ("Tachimori"), and Japanese Pat. Pub. No. 2000-074685 ("Nakaya"), and Applicant's Claims 6, 9-13 and 16-20 were rejected under 35 U.S.C. §103 as being obvious over the combination of Wakisaka and Tachimori. With this response Applicant has addressed all these rejections.

I. Rejection of Claims 1-11 under 35 U.S.C. §101

In the Office Action, Applicant's Claims 1-11 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In the Office Action, the Examiner stated that these claims manipulate an abstract idea without a claimed limitation to a practical application, which may be shown by a physical transformation or a useful, concrete and tangible result.

Applicant has amended independent Claims 1 and 6 to address this rejection. Claim 1 recites that the determination whether the change of the vehicle's current position exceeds a threshold is made with a word list re-builder program stored on a computer-readable physical storage medium. Further, the rebuilding of the word list is also performed by the word list re-builder program. In addition, Claim 1 recites that these steps provide the useful, concrete and tangible result of improving operation of the navigation system when providing automatic speech recognition. Independent Claim 6 includes similar amendments.

Applicant submits that Claims 1-11 claim are directed to eligible statutory subject matter and that the rejection of these claims under 35 U.S.C. § 101 should be withdrawn.¹

¹ Applicant submits that Claims 1-11 defined eligible subject matter prior to being amended, even under the standards applied by the patent office. These claims recite methods that provide the useful, concrete and tangible result of improving operation of the navigation system when providing automatic speech recognition and accordingly these claims satisfy the standard under § 101 as applied by the patent office.

II. Rejection of Claims 1-7, 9-18, 20 and 21 under 35 U.S.C. §103

In the Office Action, Applicant's Claims 1-7, 9-18, 20 and 21 were rejected as obvious over the combination of Wakisaka and Tachimori or the combination of Wakisaka, Tachimori and Nakaya. Accompanying this response is a DECLARATION UNDER 37 CFR 1.131 that establishes that the claimed subject matter was made before March 14, 2000, which is earlier than the effective dates of the Tachimori and Nakaya references. Accordingly, in view of the DECLARATION UNDER 37 CFR 1.131, Applicant submits that rejection of Claims 1-7, 9-18, 20 and 21 as obvious over these combinations of references should be withdrawn.²

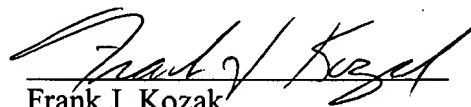
III. Extension of time

Accompanying this response is a petition for extension of time including authorization for payment of the fee associated therewith.

IV. Conclusion

With this amendment, Applicant submits that the present application has been placed in condition for allowance. If any issues remain, the Examiner is invited to call the undersigned at the telephone number below.

Respectfully submitted,



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² Applicant does not concede that either the combination of Wakisaka and Tachimori or the combination of Wakisaka, Tachimori and Nakaya renders any of Applicant's claims obvious. Applicant specifically reserves the right to establish the non-obviousness of these claims regardless of whether any of these references is prior art to the claimed subject matter.